



## Senate

General Assembly

**File No. 759**

January Session, 2001

Substitute Senate Bill No. 1361

*Senate, May 14, 2001*

The Committee on Appropriations reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-229 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) An eligible individual who is partially unemployed throughout a  
4 week, which shall be, at the discretion of the administrator, either a  
5 calendar week or a payroll week of seven consecutive days as  
6 determined by the administrator, shall be paid with respect to such  
7 week an amount equal to [his] such individual's benefit rate for total  
8 unemployment reduced by an amount equal to two-thirds, rounded to  
9 the next higher whole dollar, of the total remuneration, rounded to the  
10 nearest whole dollar, of any nature payable to [him] such individual  
11 for services of any kind during such week, except service performed in  
12 the employ of any town, city or other political subdivision, which  
13 service is performed in lieu of payment of any delinquent tax

14 payments to such town, city or other political subdivision. An  
15 individual shall be deemed to be partially unemployed in any week of  
16 less than full-time work if the total remuneration of any nature payable  
17 to [him] such individual for services of any kind during such week,  
18 except service performed in the employ of any town, city or other  
19 political subdivision, which service is performed in lieu of payment of  
20 any delinquent tax payments to such town, city or other political  
21 subdivision, amounts to less than one and one-half times [his] such  
22 individual's benefit rate for total unemployment rounded to the next  
23 highest dollar.

24 (b) For purposes of this section, remuneration [shall] also [include]  
25 includes any holiday pay payable with respect to any such week,  
26 whether or not any service was performed during such week or was in  
27 any other way required for receipt of such holiday pay.

28 (c) For purposes of this section, the administrator shall consider  
29 earnings derived from self-employment, but only to the extent such  
30 earnings are actually received or payable with respect to a given week  
31 of partial unemployment.

32 (d) For purposes of this section, an individual who is seeking only  
33 part-time employment for at least twenty hours per week due to a  
34 physical or mental impairment or combination of impairments,  
35 documented by a physician licensed to practice in this state, is  
36 considered "partially unemployed" only with respect to a week during  
37 which the individual was employed fewer than twenty hours.

38 Sec. 2. Subsection (a) of section 31-235 of the general statutes is  
39 repealed and the following is substituted in lieu thereof:

40 (a) An unemployed individual shall be eligible to receive benefits  
41 with respect to any week only if it has been found that (1) [he] the  
42 individual has made claim for benefits in accordance with the  
43 provisions of section 31-240 and has registered for work at the public

44 employment bureau or other agency designated by the administrator  
45 within such time limits, with such frequency and in such manner as  
46 the administrator may prescribe, provided failure to comply with this  
47 condition may be excused by the administrator upon a showing of  
48 good cause [therefor] for such failure; (2) except as provided in  
49 subsection (b) of this section, [he] the individual is physically and  
50 mentally able to work and is available for work and has been and is  
51 making reasonable efforts to obtain work, provided [he] the individual  
52 shall not be considered to be unavailable for work solely because [he]  
53 (A) the individual has a physical or mental impairment or combination  
54 of impairments that requires the individual to limit the number of  
55 hours the individual may work so long as the individual is available to  
56 work at least twenty hours per week, or (B) the individual is attending  
57 a school, college or university as a regularly enrolled student during  
58 [his] the individual's separation from employment, within the  
59 limitations of subdivision [(a)(6)] (6) of subsection (a) of section 31-236,  
60 and provided further, [he] the individual shall not be considered to be  
61 lacking in [his] efforts to obtain work if, as a student, [he] the  
62 individual restricts such efforts to employment [which] that does not  
63 conflict with [his] the individual's regular class hours as a student, and  
64 provided the administrator shall not use prior "patterns of  
65 unemployment" of the individual to determine whether [he] the  
66 individual is available for work; (3) [he] the individual has been paid  
67 wages by an employer who was subject to the provisions of this  
68 chapter during the base period of [his] the individual's current benefit  
69 year in an amount at least equal to forty times [his] the individual's  
70 benefit rate for total unemployment: Provided an unemployed  
71 individual who is sixty-two years of age or older and is involuntarily  
72 retired under a compulsory retirement policy or contract provision  
73 shall be eligible for benefits with respect to any week, notwithstanding  
74 subdivisions (1) and (2) of this [section] subsection, if it is found by the  
75 administrator that [he] the individual has made claim for benefits in  
76 accordance with the provisions of section 31-240, has registered for

77 work at the public employment bureau, is physically and mentally  
78 able to work, is available for work, meets the requirements of this  
79 subdivision and has not refused suitable work to which [he] the  
80 individual has been referred by the administrator; (4) [he] the  
81 individual participates in reemployment services, such as job search  
82 assistance services, if the individual has been determined to be likely  
83 to exhaust regular benefits and need reemployment services pursuant  
84 to a profiling system established by the administrator unless the  
85 administrator determines that (A) the individual has completed such  
86 services, or (B) there is justifiable cause for the individual's failure to  
87 participate in such services. The administrator shall adopt regulations,  
88 in accordance with the provisions of chapter 54, for the administration  
89 of the profiling system. For purposes of subdivision (2) of this [section]  
90 subsection, "patterns of unemployment" means regularly recurring  
91 periods of unemployment of the claimant in the years prior to [his]  
92 filing the claim in question.

**APP**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Cost (Unemployment Compensation Fund)

**Affected Agencies:** Department of Labor

**Municipal Impact:** Cost

**Explanation****State Impact and Municipal Impact :**

The bill establishes that an individual who is seeking or is limited to only part-time employment for at least 20 hours per week due to a physical or mental impairment or combination of impairments is eligible for unemployment compensation. The individual is considered “partially unemployed” only with respect to a week during which the individual was employed fewer than 20 hours. Individuals claiming they can only work part-time because of their physical or mental impairment must have their impairments documented by a physician.

The Department of Labor estimates that 85 individuals annually will be eligible for unemployment compensation at approximately \$150 a week. The claimants will collect this amount for approximately 14 weeks. The cost to the Unemployment Compensation Fund will be about \$178,500 annually. The state will incur a cost of about \$1,785 annually in unemployment contribution costs while the municipal cost for unemployment contributions cost is approximately \$3,570.

**OLR Bill Analysis**

sSB 1361

**AN ACT CONCERNING ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.****SUMMARY:**

Generally, in order to be eligible for unemployment compensation, a claimant must, among other things, be physically and mentally able to work and available for work. By regulation, "available for work" means available for full-time work. This bill allows unemployment compensation claimants who are not available for full-time work because of physical or mental impairments, or both to meet the "available for work" eligibility requirement if they are available for work at least 20 hours a week.

Under the bill, individuals seeking only part-time work for at least 20 hours a week due to physical or mental impairments, or both, documented by a Connecticut doctor are considered "partially unemployed" only in weeks when they work less than 20 hours.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND*****Full-time Work***

The Department of Labor regulations define "full-time work" as employment for the number of hours that prevail for the industry or employment sector in which the work is performed.

***Partially Unemployed***

A person is eligible for unemployment benefits if, in a week of part-time work, he earns less than one and one-half times his weekly benefit amount.

***Legislative History***

The Senate referred this bill (File 322) to the Appropriations Committee on April 25. On May 1, the committee added language requiring individuals claiming they can only work part-time because of their physical or mental impairments to have a Connecticut physician document the impairments.

**COMMITTEE ACTION****Labor and Public Employees Committee**

Joint Favorable Substitute

Yea 10      Nay 4

**Appropriations Committee**

Joint Favorable Substitute

Yea 22      Nay 18